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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,509	09/03/2003	Thilaka S. Sumanawecra	2003P09377US	4955

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

JAWORSKI, FRANCIS J

ART UNIT	PAPER NUMBER
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3768

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/654,509

Applicant(s)

SUMANAWEERA ET AL.

Examiner

Jaworski Francis J.

Art Unit

3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4 – 5, 10 - 11 are again rejected under 35 U.S.C. 102(b) as being anticipated by McMorrow et al (US6569097) insofar as McMorrow et al teaches a method a method of acquiring ultrasound data at a first location (DCD or data collection device) with transmission to a second location remote therefrom for application-specific processing such as automatically processing ultrasound bladder volume image data for quantification as a bladder volume result , and receiving the processed results at a DCD location such as the source imager location.

Since the McMorrow et al data is digitized and stored into memory prior to remote transmission it has necessarily been detected, there being no further limitation such as demodulation of a carrier or other degree of processing to be inferred.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3768

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 6 are again rejected under 35 U.S.C. 103(a) as being unpatentable over McMorrow et al as applied to claim 1 above, and further in view of Zulauf (US5482043 since the latter evidences that remote or telemedical processing of ultrasound images would include as a processed result an interpretation of the image data at the remote site, whereupon the processed data would comprise the interpretation as the user input into a report.

Claims 3, 8 are again rejected under 35 U.S.C. 103(a) as being unpatentable over McMorrow et al as applied to claim 1 above, and further in view of Hossack et al (US6201900) insofar as the latter in the Cols. 22 – 23 bridging passage evidences that motion estimation and its attendant filtering would be one form of remote application-specific processing on the image data set including use of the second harmonic for motion estimating as elsewhere noted therein.

Claims 7 – 9 and 11 are again rejected under 35 U.S.C. 103(a) as being unpatentable over McMorrow et al ('097) as applied to claim 1 above, and further in view of McMorrow et al (US6905468) since the latter poses that for the abdominal aneurysm case mentioned in the former, the image volume data of Doppler or B-scan type can be transmitted remotely for aortic diameter quantification or volume rendering with transmission back to e.g. emergency personnel during the imaging session.

Claim 12 is again rejected under 35 U.S.C. 103(a) as being unpatentable over McMorrow et al ('097) as applied to claim 1 above, and further in view of Mullen et al (US6224551) since the latter evidences that where image data is transferred back and forth across a network such as the internet, password encryption is desirable to insure security, see claim 2 of the latter.

Response to Arguments

The claims in their current scope do not distinguish the degree of processing or other limitation regarding the type of detection enacted and therefore the McMorrow et al document is considered to be relevant against the claims language.


Hossack et al US6322505, Pinsky et al US5513101, Yale et al US6159150, Takeo US6289115, Slayton et al US6440071, Samara et al US6718192, Yu et al US6839762 and Judd et al US6934698 are cited as of interest in pertaining to remote image transfer or diagnosis.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3768

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.



Francis J. Jaworski
Primary Examiner

FJJ:fjj

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